

In re Patent Application of:
FRISCO ET AL.
Serial No. 10/716,987
Filed: November 19, 2003
Confirmation No. 7576

REMARKS

Applicants would like to thank the Examiner for the thorough examination of the present application. Applicants would also like to thank the Examiner and his supervisor for the courtesies extended during the in-person interview on May 8, 2008.

During the interview, the Examiner indicated that the proposed claim amendments would overcome the current prior art rejection. Consequently, independent Claims 1, 13 and 22 have been amended as discussed during the interview. Page 28 in the specification supports the component malfunctioning determining portion or circuit **177'** being used in combination with the weak received signal strength determining portion **176'**, or being used by itself (FIG. 13). The claim amendments and arguments supporting patentability of the claims are provided below.

I. The Amended Claims

The present invention, as recited in amended independent Claim 1, for example, is directed to an aircraft in-flight entertainment system comprising a satellite television (TV) receiver, and at least one passenger video display connected to the satellite TV receiver. A processor is connected to the satellite TV receiver for determining a component malfunction condition and for generating responsive thereto a substitute image on the at least one passenger video display rather than permit display of an undesired image which would otherwise be

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produced. The component malfunction is independent of a strength of a signal received at said satellite TV receiver.

The processor advantageously determines a component malfunction condition (independent of a strength of a signal received at the satellite TV receiver), and generates a substitute image in response thereto. Without the generated substitute image, the undesired image could be a degraded program image or a default text message image that may be disconcerting to the passenger. Consequently, the substitute image could be a text message that would tend to be helpful to the passenger in understanding that a loss of programming service has occurred, but without raising unnecessary concern for the proper operation of the aircraft to the passenger.

Independent Claim 13 has been amended similar to amended independent Claim 1, and recites that the processor determines a weak received signal strength condition and a component malfunction, with the component malfunction being independent of a strength of a signal received at the satellite TV receiver.

Independent method Claim 22 has been amended similar to amended independent device Claim 13.

II. The Claims Are Patentable

The Examiner rejected independent Claims 1, 13 and 22 over the Sklar et al. patent in view of the Gangitano patent. The Examiner cited Sklar et al. as disclosing in FIGS. 1 and 2 an aircraft in-flight entertainment system 50 comprising a satellite television (TV) receiver 42, at least one passenger video display

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56 connected to the satellite TV receiver, and a processor 44 connected to the satellite TV receiver. The Examiner has taken the position that the processor 44 is used to determine an undesired condition and for generating responsive thereto a substitute image on the at least one passenger video display 56 rather than permit display of an undesired image which would otherwise be produced.

Sklar et al. discloses that the processor 44 (i.e., region control unit) instructs the receiver unit 42 (i.e., satellite TV receiver) to switch to a different program when the aircraft is soon going to leave the coverage area 26 of the first satellite 24. Position, time and other related data is used to determine if an available program will finish before the aircraft leaves the current coverage area. The other related data includes signal strength of the received signal. The processor 44 may cause the passenger video display 56 to generate a graphic overlay message explaining to the passenger why that program is no longer available, and suggesting that the passenger try another channel. Such an overlay may state "Because Your Aircraft Will Be Leaving The Coverage Area Of DIRECTV-USA Within The Next 15 Minutes, 'Butch Cassidy & The Sundance Kid' Is Not Currently Available. Please Select Another Program" (column 11, lines 25-33).

As correctly noted by the Examiner, Sklar et al. fails to disclose that the undesired condition may be a component malfunction condition that is determined by the processor 44. The

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Examiner cited Gangitano as disclosing in FIGS. 4 and 5 a receiver **14** receiving a signal from a satellite, and determining for display **20** the signal strength (via signal strength detector **22**) of the received signal. Gangitano further discloses that if the receiver does not detect a signal, then a text message may be displayed indicating that there may be a component malfunction.

The Examiner has taken the position that it would have been obvious to modify Sklar et al. in view of Gangitano for the benefit of providing a more user-friendly notification of an indication of why a video image has suddenly frozen on the screen. In view of the claim amendments, the Applicants submit that even if the references were selectively combined as suggested by the Examiner, the claimed invention is still not produced.

As noted above, Sklar et al. generates a substitute image on a passenger video display rather than permit display of an undesired image which would otherwise be produced, with the substitute image being generated based on a signal strength of the received signal. Likewise, the Gangitano patent is directed to an apparatus for displaying the signal strength of a signal received at an antenna. The received signal is provided by a satellite, and the antenna is coupled to a terrestrial-based receiver that is typically located in a user's house. The Gangitano patent discloses that a low or no signal strength measurement may indicate component malfunction, such as a cable break between the receiver and the antenna.

In sharp contrast, the determination of a component

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Confirmation No. **7576**

receiver that is typically located in a user's house. The Gangitano patent discloses that a low or no signal strength measurement may indicate component malfunction, such as a cable break between the receiver and the antenna.

In sharp contrast, the determination of a component malfunction in the claimed invention is independent of the strength of a signal received at the satellite TV receiver. Accordingly, it is submitted that amended independent Claim 1 is patentable over the Sklar et al. patent in view of the Gangitano patent. Amended independent Claims 13 and 22 are similar to amended independent Claim 1. Therefore, it is submitted that these claims are also patentable over the Sklar et al. patent in view of the Gangitano patent.

In view of the patentability of amended independent Claims 1, 13 and 22, it is submitted that the dependent claims, which include yet further distinguishing features of the invention are also patentable. These dependent claims need no further discussion herein.

III. CONCLUSION

In view of the amendments to the claims and the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

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Respectfully submitted,



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